

WRITTEN TESTIMONY OF ROBERT M. LANGER, WIGGIN AND DANA LLP, ON
BEHALF OF AMERIGAS PROPANE RE:
RAISED BILL NO. 465, AN ACT CONCERNING PURCHASING OF PROPANE
BEFORE THE COMMITTEE ON ENERGY AND TECHNOLOGY
MARCH 18, 2010

Dear Co-Chairs Fonfara and Nardello and Members of the Committee on Energy and Technology:

My name is Robert M. Langer. I am a partner in the Hartford Office of the law firm, Wiggin and Dana LLP, and submit this testimony on behalf of my client, AmeriGas Propane, in opposition to Raised Bill No. 465.

My client is of the view that this bill in its current form may result in significant increased safety risks to both consumers and members of the propane industry alike. State law clearly mandates that the owner of a propane tank or cylinder is responsible for filling the propane container to ensure that it and the installation as a whole are suitable for continued service. The Container Law, as it is called, is administered in Connecticut by the Department of Public Safety. Conn. Agency Reg. § 29-331-5-4-2.2.1 states:

Cylinders or tanks shall be filled, evacuated, disconnected or transported and regulators(s) disconnected **only** by the owner or upon the owner's authorization.

(Emphasis supplied). A complete copy of the aforesaid regulation is attached to this written testimony.

While my client is not unmindful of the concerns expressed in Raised Bill No. 465, the Committee should be aware that Raised Bill No. 5222 does seek to address many of these concerns without at the same time creating an increased safety risk to consumers. Raised Bill No. 5222 involved extensive discussions between the Connecticut Attorney General's Office and members of the propane industry over a period of three years. Moreover, you should be aware that regulations drafted by the Connecticut Department of Consumer Protection also address certain aspects of this issue. Said regulations were the subject of a public hearing just last week, and also involved extensive discussions between the Connecticut Department of Consumer Protection and propane industry members. Both the proposed statute and the proposed regulation seek, for example, to increase disclosures at the inception of the relationship to insure improved transparency in the market place.

AmeriGas Propane strongly urges this Committee, in cooperation with other Committees of the General Assembly, Connecticut state agencies, and members of the propane industry to carefully study the implications of any alteration to the current legal requirements found in Connecticut's Container Law.

Thank you.

Enc.

CHAPTER 4 LP-GAS LIQUID TRANSFER

(Amd) 4-2.2 Cylinders or Tanks to be Filled, Evacuated, Disconnected or Transported and Disconnecting Regulator(s).

(Amd) 4-2.2.1 Cylinders or tanks shall be filled, evacuated, disconnected or transported and regulator(s) disconnected only by the owner or upon the owner's authorization. At consumer premises where the fixed container is owned by the LP Gas supplier, no person other than the owner and those authorized by the owner shall connect or disconnect any cylinder or tank or regulator(s) containing liquefied petroleum gas, whether in the liquid or vapor state unless the following requirements are met:

(a) Sufficient notice shall be given to the LP-Gas supplier to disconnect and remove its cylinder or tank or regulator(s) prior to the installation of another cylinder or tank by the person, firm, corporation or LP-Gas supplier requesting the disconnection. Sufficient notice shall be in writing received by the LP-Gas supplier or owner a minimum of four business days prior to the scheduled disconnection on the fourth day. Written notice shall include the person, firm, corporation or LP-Gas supplier requesting the disconnection, the address and name of the consumer, and the scheduled date and time of disconnection. Disconnection by the owner or the owner's authorized agent shall be coordinated so as not to cause an interruption of service greater than the time required to disconnect the notified supplier's equipment and reconnect the replacement equipment of the notifying owner, unless the user authorizes an extended interruption of service to the notified supplier.

(b) After providing sufficient notice, the person, firm, corporation or LP-Gas supplier requesting disconnection or transportation may then disconnect the LP-Gas supplier-owned cylinder(s), tank(s) or regulator(s) downstream of a meter or upstream of a non-LP-Gas supplier or downstream of a regulator(s) owned by the LP-Gas supplier if connected to the gas stream, in a manner that renders the cylinder or tank free of leaks, with valves turned off and all openings plugged, and move on the consumer premises the cylinder(s) or tank(s), whether empty or full, to a safe location meeting the separation distance requirements between tanks and cylinders in Table 3-2.2.2.

(c) No person, firm or corporation, other than the owner and those authorized to do so, shall transport or carry by any means of conveyance whatsoever over public highways and roads, any cylinder or tank containing liquefied petroleum gas, whether in the liquid or vapor state.

(d) The owner of the cylinder or tank shall remove the disconnected cylinder, tank or regulator(s) from the consumer premises within 15 business days after the actual date and time of disconnection.

(e) If the person, firm, corporation or LP-Gas supplier who requested disconnection does not disconnect the cylinder(s), tank(s) or regulator(s) on the day of the scheduled disconnection, the person, firm, corporation or LP-Gas supplier shall be required to reschedule the disconnection giving sufficient notice to the owner of the cylinder(s), tank(s) or regulator(s) as described in Section 4-2.2.1 (a).

(f) In the event of an emergency such as the need for domestic heating during extreme cold weather conditions, leak or fire involving a cylinder, tank or regulator(s), an LP-Gas supplier is authorized to disconnect or evacuate the cylinder or tank at the direction of a public emergency response agency such as the fire department.

(Amd) 4-3.3 Emergency Venting. When conditions at any location indicate the need for emergency venting of LP-Gas into the environment, the local fire department within that jurisdiction or a regional fire dispatching facility shall be notified prior to any emergency venting activities.